IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.6045 of 2008
MD.JAHIR
Versus
STATE OF BIHAR
with

Cr. Misc. No.9952 of 2008
Hemant Kumar Singh vs. State of Bihar
with
Cr. Misc. No.11733 of 2008

Rajesh Yadav Versus State of Bihar

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3 9.5.2008 All these three cases are taken up together as the same originate from the one Rajoun P.S. Case No.229 of 2007 under sections 364, 395 and 397 of the I.P.C.

Heard.

The informant who is a lady doctor alleged that while she was returning to her residence in Bhagalpur by her car alongwith her nurse, Sarita Kumari and the driver(the petitioner no.1 after closing her clinic on 19.11.2007 at 7 P.M. a jeep carrying some miscreants intercepted her car and 6 to 7 miscreants got down from the jeep and told the informant that her husband is in their trap and she has to go to their home to take out imbedded bullet from the person of the injured upon which the informant being a gynecologist expressed her inability to do that. Thereafter the miscreants forcibly tried to drag out her from the car and assaulted her with fists and slaps and snatched her chain,mobile and Rs.7000/-. Subsequently they forcibly lifted the driver and the nurse and fled away.

It appears that neither the informant nor the driver nor the nurse was able to name any of the miscreants.

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Learned counsel submits that there is no eye witness to the occurrence.The petitioners are not named in the F.I.R..

The allegation against the petitioner no.1 is that he stopped the car when the miscreants' jeep intercepted . The only allegation against petitioner no.2 is that the said vehicle owner had seen him along with the co- accused, namely, Chhathu Singh and Pradeep Singh. So far petitioner no.3 is concerned there is allegation against him that other co-accused, Subodh Yadav in his confessional statement has stated that they had purchased wine from the shop of petitioner, Rajesh Yadav. It is surprising that no test identification parade has yet been conducted.

Having regard to the facts and circumstances of the case the petitioners no.1 and 3, Md. Jahir and Rajesh Yadav, are ordered to be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the C.J.M.,Banka , in Rajoun P.S. Case No.229/07.

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So far the prayer for bail of petitioner no.2, Hemant Kumar Singh , is concerned , I am not inclined to grant bail to him. His prayer for bail is rejected .

However, he may renew his prayer for bail after four months.

Anil Kr. Sinha **(S. P. Singh, J.)**